



General Assembly

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Amendment

LCO No. 9224

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Offered by:
REP. FONTANA, 87th Dist.

To: Subst. House Bill No. 6787

File No. 201

Cal. No. 200

"AN ACT CONCERNING ELECTRIC CONSUMPTION REDUCTION NOTICES."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 16-1 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective July 1, 2007*):

5 (a) Terms used in this title and in chapters 244, 244a, 244b, 245, 245a
6 and 245b* shall be construed as follows, unless another meaning is
7 expressed or is clearly apparent from the language or context:

8 (1) "Authority" means the Public Utilities Control Authority and
9 "department" means the Department of Public Utility Control;

10 (2) "Commissioner" means a member of said authority;

11 (3) "Commissioner of Transportation" means the Commissioner of
12 Transportation appointed under section 13b-3;

13 (4) "Public service company" includes electric, electric distribution,
14 gas, telephone, telegraph, pipeline, sewage, water, steam
15 transportation and community antenna television companies, owning,
16 leasing, maintaining, operating, managing or controlling plants or
17 parts of plants or equipment, and all express companies having special
18 privileges on railroads within this state, but shall not include telegraph
19 company functions concerning intrastate money order service, towns,
20 cities, boroughs, any municipal corporation or department thereof,
21 whether separately incorporated or not, a private power producer, as
22 defined in section 16-243b, or an exempt wholesale generator, as
23 defined in 15 USC 79z-5a;

24 (5) "Plant" includes all real estate, buildings, tracks, pipes, mains,
25 poles, wires and other fixed or stationary construction and equipment,
26 wherever located, used in the conduct of the business of the company;

27 (6) "Railroad company" includes every person owning, leasing,
28 maintaining, operating, managing or controlling any railroad, or any
29 cars or other equipment employed thereon or in connection therewith,
30 for public or general use within this state;

31 (7) "Street railway company" includes every person owning, leasing,
32 maintaining, operating, managing or controlling any street railway, or
33 any cars or other equipment employed thereon or in connection
34 therewith, for public or general use within this state;

35 (8) "Electric company" includes, until an electric company has been
36 unbundled in accordance with the provisions of section 16-244e, every
37 person owning, leasing, maintaining, operating, managing or
38 controlling poles, wires, conduits or other fixtures, along public
39 highways or streets, for the transmission or distribution of electric
40 current for sale for light, heat or power within this state, or, engaged in
41 generating electricity to be so transmitted or distributed for such
42 purpose, but shall not include (A) a private power producer, as
43 defined in section 16-243b, (B) an exempt wholesale generator, as
44 defined in 15 USC 79z-5a, (C) a municipal electric utility established

45 under chapter 101, (D) a municipal electric energy cooperative
46 established under chapter 101a, (E) an electric cooperative established
47 under chapter 597, or (F) any other electric utility owned, leased,
48 maintained, operated, managed or controlled by any unit of local
49 government under any general statute or any public or special act;

50 (9) "Gas company" includes every person owning, leasing,
51 maintaining, operating, managing or controlling mains, pipes or other
52 fixtures, in public highways or streets, for the transmission or
53 distribution of gas for sale for heat or power within this state, or
54 engaged in the manufacture of gas to be so transmitted or distributed
55 for such purpose, but shall not include a person manufacturing gas
56 through the use of a biomass gasification plant provided such person
57 does not own, lease, maintain, operate, manage or control mains, pipes
58 or other fixtures in public highways or streets, a municipal gas utility
59 established under chapter 101 or any other gas utility owned, leased,
60 maintained, operated, managed or controlled by any unit of local
61 government under any general statute or any public or special act;

62 (10) "Water company" includes every person owning, leasing,
63 maintaining, operating, managing or controlling any pond, lake,
64 reservoir, stream, well or distributing plant or system employed for
65 the purpose of supplying water to fifty or more consumers. A water
66 company does not include homeowners, condominium associations
67 providing water only to their members, homeowners associations
68 providing water to customers at least eighty per cent of whom are
69 members of such associations, a municipal waterworks system
70 established under chapter 102, a district, metropolitan district,
71 municipal district or special services district established under chapter
72 105, chapter 105a or any other general statute or any public or special
73 act which is authorized to supply water, or any other waterworks
74 system owned, leased, maintained, operated, managed or controlled
75 by any unit of local government under any general statute or any
76 public or special act;

77 (11) "Consumer" means any private dwelling, boardinghouse,

78 apartment, store, office building, institution, mechanical or
79 manufacturing establishment or other place of business or industry to
80 which water is supplied by a water company;

81 (12) "Sewage company" includes every person owning, leasing,
82 maintaining, operating, managing or controlling, for general use in any
83 town, city or borough, or portion thereof, in this state, sewage disposal
84 facilities which discharge treated effluent into any waterway of this
85 state;

86 (13) "Pipeline company" includes every person owning, leasing,
87 maintaining, operating, managing or controlling mains, pipes or other
88 fixtures through, over, across or under any public land, water,
89 parkways, highways, parks or public grounds for the transportation,
90 transmission or distribution of petroleum products for hire within this
91 state;

92 (14) "Community antenna television company" includes every
93 person owning, leasing, maintaining, operating, managing or
94 controlling a community antenna television system, in, under or over
95 any public street or highway, for the purpose of providing community
96 antenna television service for hire and shall include any municipality
97 which owns or operates one or more plants for the manufacture or
98 distribution of electricity pursuant to section 7-213 or any special act
99 and seeks to obtain or obtains a certificate of public convenience and
100 necessity to construct or operate a community antenna television
101 system pursuant to section 16-331;

102 (15) "Community antenna television service" means (A) the one-way
103 transmission to subscribers of video programming or information that
104 a community antenna television company makes available to all
105 subscribers generally, and subscriber interaction, if any, which is
106 required for the selection of such video programming or information,
107 and (B) noncable communications service;

108 (16) "Community antenna television system" means a facility,
109 consisting of a set of closed transmission paths and associated signal

110 generation, reception and control equipment that is designed to
111 provide community antenna television service which includes video
112 programming and which is provided in, under or over any public
113 street or highway, for hire, to multiple subscribers within a franchise,
114 but such term does not include (A) a facility that serves only to
115 retransmit the television signals of one or more television broadcast
116 stations; (B) a facility that serves only subscribers in one or more
117 multiple unit dwellings under common ownership, control or
118 management, unless such facility is located in, under or over a public
119 street or highway; (C) a facility of a common carrier which is subject, in
120 whole or in part, to the provisions of Subchapter II of Chapter 5 of the
121 Communications Act of 1934, 47 USC 201 et seq., as amended, except
122 that such facility shall be considered a community antenna television
123 system and the carrier shall be considered a public service company to
124 the extent such facility is used in the transmission of video
125 programming directly to subscribers; or (D) a facility of an electric
126 company which is used solely for operating its electric company
127 systems;

128 (17) "Video programming" means programming provided by, or
129 generally considered comparable to programming provided by, a
130 television broadcast station;

131 (18) "Noncable communications service" means any
132 telecommunications service, as defined in section 16-247a, and which is
133 not included in the definition of "cable service" in the Communications
134 Act of 1934, 47 USC 522, as amended. Nothing in this definition shall
135 be construed to affect service which is both authorized and preempted
136 pursuant to federal law;

137 (19) "Public service motor vehicle" includes all motor vehicles used
138 for the transportation of passengers for hire;

139 (20) "Motor bus" includes any public service motor vehicle operated
140 in whole or in part upon any street or highway, by indiscriminately
141 receiving or discharging passengers, or operated on a regular route or

142 over any portion thereof, or operated between fixed termini, and any
143 public service motor vehicle operated over highways within this state
144 between points outside this state or between points within this state
145 and points outside this state;

146 (21) "Cogeneration technology" means the use for the generation of
147 electricity of exhaust steam, waste steam, heat or resultant energy from
148 an industrial, commercial or manufacturing plant or process, or the use
149 of exhaust steam, waste steam or heat from a thermal power plant for
150 an industrial, commercial or manufacturing plant or process, but shall
151 not include steam or heat developed solely for electrical power
152 generation;

153 (22) "Renewable fuel resources" means energy sources described in
154 subdivisions (26) and (27) of this subsection;

155 (23) "Telephone company" means a telecommunications company
156 that provides one or more noncompetitive or emerging competitive
157 services, as defined in section 16-247a;

158 (24) "Domestic telephone company" includes any telephone
159 company which has been chartered by or organized or constituted
160 within or under the laws of this state;

161 (25) "Telecommunications company" means a person that provides
162 telecommunications service, as defined in section 16-247a, within the
163 state, but shall not mean a person that provides only (A) private
164 telecommunications service, as defined in section 16-247a, (B) the
165 one-way transmission of video programming or other programming
166 services to subscribers, (C) subscriber interaction, if any, which is
167 required for the selection of such video programming or other
168 programming services, (D) the two-way transmission of educational or
169 instructional programming to a public or private elementary or
170 secondary school, or a public or independent institution of higher
171 education, as required by the department pursuant to a community
172 antenna television company franchise agreement, or provided
173 pursuant to a contract with such a school or institution which contract

174 has been filed with the department, or (E) a combination of the services
175 set forth in subparagraphs (B) to (D), inclusive, of this subdivision;

176 (26) "Class I renewable energy source" means (A) energy derived
177 from solar power, wind power, a fuel cell, methane gas from landfills,
178 ocean thermal power, wave or tidal power, low emission advanced
179 renewable energy conversion technologies, a run-of-the-river
180 hydropower facility provided such facility has a generating capacity of
181 not more than five megawatts, does not cause an appreciable change in
182 the river flow, and began operation after July 1, 2003, or a sustainable
183 biomass facility with an average emission rate of equal to or less than
184 .075 pounds of nitrogen oxides per million BTU of heat input for the
185 previous calendar quarter, except that energy derived from a
186 sustainable biomass facility with a capacity of less than five hundred
187 kilowatts that began construction before July 1, 2003, may be
188 considered a Class I renewable energy source, or (B) any electrical
189 generation, including distributed generation, generated from a Class I
190 renewable energy source;

191 (27) "Class II renewable energy source" means energy derived from
192 a trash-to-energy facility, a biomass facility that began operation before
193 July 1, 1998, provided the average emission rate for such facility is
194 equal to or less than .2 pounds of nitrogen oxides per million BTU of
195 heat input for the previous calendar quarter, or a run-of-the-river
196 hydropower facility provided such facility has a generating capacity of
197 not more than five megawatts, does not cause an appreciable change in
198 the riverflow, and began operation prior to July 1, 2003;

199 (28) "Electric distribution services" means the owning, leasing,
200 maintaining, operating, managing or controlling of poles, wires,
201 conduits or other fixtures along public highways or streets for the
202 distribution of electricity, or electric distribution-related services;

203 (29) "Electric distribution company" or "distribution company"
204 means any person providing electric transmission or distribution
205 services within the state, including an electric company, subject to

206 subparagraph (F) of this subdivision, but does not include: (A) A
207 private power producer, as defined in section 16-243b; (B) a municipal
208 electric utility established under chapter 101, other than a participating
209 municipal electric utility; (C) a municipal electric energy cooperative
210 established under chapter 101a; (D) an electric cooperative established
211 under chapter 597; (E) any other electric utility owned, leased,
212 maintained, operated, managed or controlled by any unit of local
213 government under any general statute or special act; (F) after an
214 electric company has been unbundled in accordance with the
215 provisions of section 16-244e, a generation entity or affiliate of the
216 former electric company; or (G) an electric supplier;

217 (30) "Electric supplier" means any person, including an electric
218 aggregator or participating municipal electric utility that is licensed by
219 the Department of Public Utility Control in accordance with section
220 16-245, that provides electric generation services to end use customers
221 in the state using the transmission or distribution facilities of an
222 electric distribution company, regardless of whether or not such
223 person takes title to such generation services, but does not include: (A)
224 A municipal electric utility established under chapter 101, other than a
225 participating municipal electric utility; (B) a municipal electric energy
226 cooperative established under chapter 101a; (C) an electric cooperative
227 established under chapter 597; (D) any other electric utility owned,
228 leased, maintained, operated, managed or controlled by any unit of
229 local government under any general statute or special act; or (E) an
230 electric distribution company in its provision of electric generation
231 services in accordance with subsection (a) or, prior to January 1, 2004,
232 subsection (c) of section 16-244c;

233 (31) "Electric aggregator" means (A) a person, municipality or
234 regional water authority that gathers together electric customers for
235 the purpose of negotiating the purchase of electric generation services
236 from an electric supplier, or (B) the Connecticut Resources Recovery
237 Authority, if it gathers together electric customers for the purpose of
238 negotiating the purchase of electric generation services from an electric
239 supplier, provided such person, municipality or authority is not

240 engaged in the purchase or resale of electric generation services, and
241 provided further such customers contract for electric generation
242 services directly with an electric supplier, and may include an electric
243 cooperative established pursuant to chapter 597;

244 (32) "Electric generation services" means electric energy, electric
245 capacity or generation-related services;

246 (33) "Electric transmission services" means electric transmission or
247 transmission-related services;

248 (34) "Generation entity or affiliate" means a corporate affiliate or, as
249 provided in subdivision (3) of subsection (a) of section 16-244e, a
250 separate division of an electric company after unbundling has occurred
251 pursuant to section 16-244e, that provides electric generation services;

252 (35) "Participating municipal electric utility" means a municipal
253 electric utility established under chapter 101 or any other electric
254 utility owned, leased, maintained, operated, managed or controlled by
255 any unit of local government under any general statute or any public
256 or special act, that is authorized by the department in accordance with
257 section 16-245c to provide electric generation services to end use
258 customers outside its service area, as defined in section 16-245c;

259 (36) "Person" means an individual, business, firm, corporation,
260 association, joint stock association, trust, partnership or limited
261 liability company;

262 (37) "Regional independent system operator" means the "ISO - New
263 England, Inc.", or its successor organization as approved by the
264 Federal Energy Regulatory Commission;

265 (38) "Certified telecommunications provider" means a person
266 certified by the department to provide intrastate telecommunications
267 services, as defined in section 16-247a, pursuant to sections 16-247f to
268 16-247h, inclusive;

269 (39) "Gas registrant" means a person registered to sell natural gas

270 pursuant to section 16-258a;

271 (40) "Customer-side distributed resources" means (A) the generation
272 of electricity from a unit with a rating of not more than sixty-five
273 megawatts on the premises of a retail end user within the transmission
274 and distribution system including, but not limited to, fuel cells,
275 photovoltaic systems or small wind turbines, or (B) a reduction in the
276 demand for electricity on the premises of a retail end user in the
277 distribution system through methods of conservation and load
278 management, including, but not limited to, peak reduction systems
279 and demand response systems;

280 (41) "Federally mandated congestion charges" means any cost
281 approved by the Federal Energy Regulatory Commission as part of
282 New England Standard Market Design including, but not limited to,
283 locational marginal pricing, locational installed capacity payments, any
284 cost approved by the Department of Public Utility Control to reduce
285 federally mandated congestion charges in accordance with section 7-
286 233y, this section, sections 16-19ss, 16-32f, 16-50i, 16-50k, 16-50x, 16-
287 243i to 16-243q, inclusive, 16-244c, 16-244e, 16-245m, 16-245n, and 16-
288 245z, and section 21 of public act 05-1 of the June special session** and
289 reliability must run contracts;

290 (42) "Combined heat and power system" means a system that
291 produces, from a single source, both electric power and thermal energy
292 used in any process that results in an aggregate reduction in electricity
293 use;

294 (43) "Grid-side distributed resources" means the generation of
295 electricity from a unit with a rating of not more than sixty-five
296 megawatts that is connected to the transmission or distribution system,
297 which units may include, but are not limited to, units used primarily to
298 generate electricity to meet peak demand;

299 (44) "Class III renewable energy source" means the electricity output
300 from combined heat and power systems with an operating efficiency
301 level of no less than fifty per cent that are part of customer-side

302 distributed resources developed at commercial and industrial facilities
303 in this state on or after January 1, 2006, or the electricity savings
304 created at commercial and industrial facilities in this state from
305 conservation and load management programs begun on or after
306 January 1, 2006; [and]

307 (45) "Sustainable biomass" means biomass that is cultivated and
308 harvested in a sustainable manner. "Sustainable biomass" does not
309 mean construction and demolition waste, as defined in section 22a-
310 208x, finished biomass products from sawmills, paper mills or stud
311 mills, organic refuse fuel derived separately from municipal solid
312 waste, or biomass from old growth timber stands, except where (A)
313 such biomass is used in a biomass gasification plant that received
314 funding prior to May 1, 2006, from the Renewable Energy Investment
315 Fund established pursuant to section 16-245n, or (B) the energy
316 derived from such biomass is subject to a long-term power purchase
317 contract pursuant to subdivision (2) of subsection (j) of section 16-244c
318 entered into prior to May 1, 2006, or (C) prior to July 1, 2007, such
319 biomass is used in a renewable energy facility that was approved by
320 the department prior to October 1, 2005; and

321 (46) "Steam transportation company" means the Hartford Steam
322 Company, its successors and assigns, chartered pursuant to special act
323 61-7.

324 (b) Notwithstanding any provision of the general statutes to the
325 contrary, as used in the general statutes, the terms "utility", "public
326 utility" and "public service company" shall be deemed to include a
327 community antenna television company, except (1) as otherwise
328 provided in sections 16-8, 16-27, 16-28 and 16-43, (2) that no provision
329 of the general statutes, including but not limited to, the provisions of
330 sections 16-6b and 16-19, shall subject a community antenna television
331 company to regulation as a common carrier or utility by reason of
332 providing community antenna television service, other than noncable
333 communications service, as provided in Subchapter V-A of Chapter 5
334 of the Communications Act of 1934, 47 USC 521 et seq., as amended,

335 and (3) that no provision of the general statutes, including but not
336 limited to, sections 16-6b and 16-19, shall apply to community antenna
337 television companies to the extent any such provision is preempted
338 pursuant to any other provision of the Communications Act of 1934, 47
339 USC 151 et seq., as amended, any other federal act or any regulation
340 adopted thereunder."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2007</i>	16-1